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UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

LATONIA SMITH,

Defendant.

No. 2:19-cr-00304-RFB-VCF

**Government's Motion in Limine on  
Admissibility of Prior Acts as  
Inextricably Intertwined Evidence or  
as Relevant Under Fed. R. Evid.  
404(b)**

The United States of America, by and through the undersigned, respectfully submits the following Motion in Limine, seeking a preliminary ruling regarding the admissibility of evidence regarding various acts committed by defendant Latonia Smith before and after the conduct charged in the Indictment. This evidence is admissible because it is inextricably intertwined with the charged conduct. Even if the Court finds that this evidence is subject to Rule 404(b) of the Federal Rules of Evidence, it is admissible as proof of defendant's motive, intent, knowledge, plan, and identity under Fed. R. Evid. 404(b). Further, the evidence is more probative than prejudicial under Rule 403.

1 Because this Motion seeks a potential ruling under Rule 404(b), it will also serve as  
2 formal notice of the government's intent to offer same at trial. Fed. R. Evid. 404(b)(2)(A).<sup>1</sup>

### 3 **FACTS**

4 Defendant is charged with five counts of Mailing Threatening Communications in  
5 violation of 18 U.S.C. § 876(c). The victim alleged in Count One of the Indictment was the  
6 former supervisor of defendant's mother, a former employee of Planet Hollywood, which is  
7 owned by Caesars Entertainment ("Caesars"). The victims alleged in Counts Two through  
8 Five of the Indictment are attorneys and employees of a prominent Nevada law firm who  
9 were, in one form or another, associated with the defense of a civil action or actions arising  
10 from allegations of the wrongful termination of defendant's mother.

11 The government anticipates that the evidence at trial will show that the defendant  
12 became deeply involved in the litigation of her mother's civil action, to the point of  
13 interacting with the attorneys and staff defending the action. The threatening communications  
14 alleged in Counts One through Five of the Indictment were delivered through the mail and, as  
15 is usually the case, were made anonymously. Among other things, the government must  
16 prove at trial that the communications were not only made by the defendant but that they  
17 were transmitted for the purpose of issuing a threat, or with the knowledge that the  
18 communication would be viewed as a threat.

19 In this vein, the government will seek to introduce "other acts" evidence during its  
20 case in chief as further described below. As will be shown, these acts relate to  
21 communications made and actions taken by defendant that advance proof of her identity as  
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23 <sup>1</sup> The government is unable to comply at this time with the meet-and-conferment requirement  
24 for motions in limine set forth in LCR 12-2, given that it is currently unclear whether  
Defendant will be represented by counsel at trial or proceeding pro se.

1 the person making the charged threats, but also provide context and background for the  
2 charged acts and advance proof of the motive and intent behind the charged acts to show that  
3 they were transmitted for the purpose of issuing a threat, or with the knowledge that the  
4 communication would be viewed as a threat.

5 The “other acts” evidence at issue consists of the following.

6 1. Communications Received by S.R. Exhibits 1A through 1D contain Facebook  
7 messages and letters received by the victim alleged in Count One: S.R. The government  
8 anticipates that at trial S.R. will testify that S.R. worked as a supervisor of defendant’s mother  
9 at the Planet Hollywood. The charge in Count One relates to a mailed communication that  
10 S.R. received in August 2018, which is depicted at Exhibit 2. The charged communication was  
11 received *after* the communications received by S.R. in Exhibits 1A through 1D.

12 As is apparent from Exhibit 2, the charged threat contains not only the overt threat that  
13 “all will die,” but also highly charged allegations that the targets of the threats are “racists” with  
14 undercurrent themes that the threat of death is motivated by racism, racial conflict, and  
15 retribution if the targets fail to “fix it.” The communications contained at Exhibits 1A through  
16 1D are similar in nature and advance proof as to defendant’s identity and motivation behind  
17 the threat contained in Exhibit 2.

18 The government anticipates that the evidence will show that S.R. began receiving the  
19 similarly threatening Facebook postings, beginning in December 2017, about a month after the  
20 mother’s termination. The postings purport to be from persons unknown to S.R., using the  
21 names Aus or Aussey Riley, Medina Sinclair, and Simone Wiley. Like Exhibit 2, the postings  
22 at Exhibits 1A through 1C contain themes of racism, racial animus, racial conflict and  
23 retribution.

1 S.R. also received two anonymous mailings in December 2017 and May 2018,  
2 respectively, attached as Exhibit 1D. These anonymous communications also include similar  
3 threats of retribution, accusations of racism, insults and profanity directed at S.R., and  
4 references to S.R. being a supervisor at work.

5 S.R. will testify that, while none of the account names of the purported Facebook  
6 posters are known to S.R., the communications included details about the mother's termination  
7 that were not generally known to others and bespeak of a relationship between the sender and  
8 the terminated employee. Although S.R. cannot identify the sender of these communications,  
9 the government intends to offer evidence derived from defendant's personal cell phone showing  
10 that the "notes" section of the phone contains the unusual name of "Aus Riley" and what  
11 appears to be a corresponding password. This would allow the jury to infer that the defendant  
12 sent the communications using the name "Aus Riley" or the derivation "Aussey Riley." The  
13 jury may further infer that the defendant sent the communications based on the references to  
14 the employment and termination known to the defendant through her involvement in her  
15 mother's legal actions.

16 2. March 21, 2019 Email from defendant Smith to Advanced Psychiatry Inc. On  
17 or about March 21, 2019, the defendant sent an email to Advanced Psychiatry Inc. The email  
18 was extracted from defendant's personal cellphone that was recovered and searched pursuant  
19 to a Court-authorized Search Warrant and states as follows:  
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1  
2 Advanced Psychiatry Inc.  
3 4310 W. Cheyenne Ave.  
4 North Las Vegas, Nv 89032  
Phone: 702/763/7811  
Fax: 702/947/4920

5 On Thu, Mar 21, 2019 at 9:31 PM Latonia Smith < [@icloud.com](mailto: @icloud.com) > wrote:  
6  
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12 Sent from my iPhone  
13  
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15 As depicted, the email states that, at the time,  
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17 .<sup>2</sup> This communication *preceded* the  
18 threatening communications charged in Counts Two (April 25, 2019), Three and Four  
19 (September 30, 2019), and 5 (October 1, 2019) and during the time that the evidence will  
20 show that the defendant was deeply involved with her mother's litigation and was interacting  
21 with staff and lawyers defending the litigation. This communication (occurring a few weeks  
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23 \_\_\_\_\_  
24 <sup>2</sup> In an abundance of caution, the government has redacted the depiction of defendant's email  
to avoid any arguable disclosure of her mental health. The government will file an unredacted  
version under seal.

1 before the charged threats) will be offered to advance proof of the criminal mindset behind the  
2 charged threats and that charged communications were transmitted for the purpose of issuing  
3 a threat, or with the knowledge that the communication would be viewed as a threat.

4 2. April 17, 2019 Confrontation Between Defendant and S.P. S.P. is the victim of  
5 the threatening communication charged in Count Three of the Indictment and an attorney with  
6 the law firm representing Caesars in the mother's employment action or actions, and who  
7 worked with attorney W.B. on the same matter.

8 The government intends to introduce testimony as well as video and audio evidence of a  
9 confrontation between the defendant and S.P. that occurred at the state courthouse in Las  
10 Vegas on April 17, 2019, a little more than a week before W.B., who worked with S.P.,  
11 received an anonymous threatening communication by mail as charged in Count Two and  
12 about four months before S.P. received a threatening communication charged in Count Three.

13 The evidence of the April 17 confrontation will show that the defendant waited by the  
14 elevator bank for S.P. to exit the elevator, approached S.P., and threatened to punch S.P. This  
15 evidence will tend to prove defendant's identity as the person mailing the anonymous threat to  
16 S.P.'s co-worker about a week later and the threat to S.P. several months later.

17 3. October 31, 2019 Confrontation between Defendant and W.B. and Related  
18 Communications. W.B. is one of the victims of the threatening communication charged in  
19 Count Two. W.B. is employed by the same law firm as S.P. and was assigned to the civil  
20 actions involving defendant's mother. The government will offer evidence from the defendant's  
21 personal cellphone that, on October 31, 2019, defendant made multiple "hang-up" telephone  
22 calls to W.B. at W.B.'s law offices in Reno, where the caller hung up the telephone whenever  
23 W.B. answered the call.

On the night of October 31 (Halloween), W.B. answered a knock at the door of his personal residence in Reno, thinking the caller to be a trick-or-treater. When he answered the door, he saw the defendant armed with what appeared to him to be a real firearm, but was later discovered to be a Glock replica BB gun. Reasonably fearing for his life, W.B. immediately and impulsively backed away from the door, tripping and falling to the floor in the process.

While W.B. was on the ground, the defendant stood over W.B., pointed the weapon at W.B., and spoke in a menacing and threatening manner, words to the effect of “we need to have a chat.” A struggle ensued between W.B. and the defendant, during which W.B. fled the apartment and contacted police.

This event came after the receipt of the anonymous death threat to W.B. charged in Count Two which, among other things, stated “revenge is the sweetest joy and every single one of you will meet it *face to face* no one will be safe. . . .” (emphasis added).

4. Defendant’s Pro Se Filings. After her indictment in this case and as is well-known to the Court, the defendant has made numerous pro se filings with the Court. These filings have included violent threats, insults, and accusations of racism and call for revenge against several individuals, including some of the victims of the charged threats, law enforcement agents, and judges and attorneys involved in this case.

## LEGAL STANDARD

### A. Inextricably Intertwined Evidence is Not Subject to Rule 404(b) Prior Acts Analysis

“[E]vidence should not be considered other crimes or other act evidence within the meaning of Rule 404(b) if the evidence concerning the other act and the evidence concerning the crime charged are inextricably intertwined.” *United States v. Loftis*, 843 F.3d 1173, 1177 (9th Cir. 2016). In *United States v. Vizcarra-Martinez*, the Ninth Circuit explained:

[W]e have allowed “other act” evidence to be admitted when it was necessary to do so in order to permit the prosecutor to offer a coherent and comprehensible story regarding the commission of the crime; it is obviously necessary in certain cases for the government to explain either the circumstances under which particular evidence was obtained or the events surrounding the commission of the crime. . . . “[The jury] cannot be expected to make its decision in a void—without knowledge of the time, place, and circumstances of the acts which form the basis of the charge.”

*Vizcarra-Martinez*, 66 F.3d 1006, 1012-13 (9th Cir. 1995) (citations and quotations omitted); *see also United States v. Soliman*, 813 F.2d 277, 279 (9th Cir. 1997) (evidence should not be treated as “other crimes” evidence under Rule 404(b) and may be admitted for all purposes when the evidence concerning the other act and the evidence concerning the crime charged are inextricably intertwined); *United States v. Ramirez-Jiminez*, 967 F.2d 1321, 1327 (9th Cir. 1992) (evidence used to flesh out the circumstances surrounding the crime with which the defendant has been charged, thereby allowing the jury to make sense of the testimony in its proper context, is inextricably intertwined and not subject to Rule 404(b)); *United States v. Butcher*, 926 F.2d 811, 816 (9th Cir.), cert. denied, 500 U.S. 959 (1991) (when a defendant is prosecuted for being a felon in possession of a firearm, evidence concerning other acts that are inextricably intertwined with the charged acts may be admitted).

**B. Rule 404(b) Is A Rule of Inclusion, Not Exclusion.**

Even where evidence of prior acts is subject to Rule 404(b) analysis, this Circuit treats that rule as a rule of inclusion, not exclusion, and permits the admission of *any* evidence of other crimes or acts relevant to an issue in the trial, holding that such evidence should be excluded *only* when it proves nothing but the defendant’s criminal disposition. *See, e.g., United States v. Diggs*, 649 F.2d 731, 737 (9th Cir. 1981); *United States v. Green*, 648 F.2d 587, 591 (9th Cir. 1981); *United States v. Rocha*, 553 F.2d 615, 616 (9th Cir. 1977); *see also United States v.*



1 *Simon*, 767 F.2d 524 (8th Cir. 1985) (Rule 404(b) is a rule of inclusion rather than exclusion).  
 2 This “inclusionary rule,” however, is subject to the balancing test of Rule 403. *United States v.*  
 3 *Sangrey*, 586 F.2d 1312, 1314 (9th Cir. 1978).

4 “[A]ccordingly, ‘404(b) evidence, like other relevant evidence, should not lightly be  
 5 excluded when it is central to the prosecution’s case.’” *United States v. Jernigan*, 341 F.3d 1273,  
 6 1280 (10th Cir. 2003) (citation omitted). “The threshold inquiry . . . is whether that evidence is  
 7 probative of a material issue other than character.” *Huddleston v. United States*, 485 U.S. 681,  
 8 686 (1988). The Ninth Circuit has held that evidence is admissible under Rule 404(b) if: (1)  
 9 sufficient proof exists for the jury to find that the defendant committed the prior act; (2) the  
 10 prior act was not too remote in time; and (3) the prior act is introduced to prove a material issue  
 11 in the case. *United States v. Ross*, 886 F.2d 264, 267 (9th Cir. 1989), *cert. denied*, 494 U.S. 1083  
 12 (1990); *United States v. Spillone*, 879 F.2d 514, 518-20 (9th Cir. 1989), *cert. denied*, 498 U.S. 878  
 13 (1990). In addition, if used to prove intent, the prior act must be similar to the offense charged.  
 14 *Id.* at 519.

15 As for the October 31, 2019 confrontation with W.B., and Defendant’s filings made after  
 16 her indictment, Rule 404(b) permits evidence of acts committed both prior to and subsequent to  
 17 the charged conduct. *See United States v. Bibo-Rodriguez*, 922 F.2d 1398, 1400 (9th Cir. 1991)  
 18 (holding that “404(b) does not distinguish between ‘prior’ and ‘subsequent’ acts” and  
 19 “subsequent act evidence may be considered under Rule 404(b)”); *see also United States v.*  
 20 *Hinostroza*, 297 F.3d 924, 928 (9th Cir. 2002) (“[O]ur precedent has squarely resolved in the  
 21 government’s favor the issue that subsequent Rule 404(b) evidence may be relevant and  
 22 admissible.”).

### 23 **C. Rule 403 Exclusion Requires Substantial and Unfair Prejudice**

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1 Rule 403 only requires exclusion when the danger of unfair prejudice substantially  
2 outweighs the evidence's probative value. *United States v. Gonzalez-Flores*, 418 F.3d 1093, 1098  
3 (9th Cir. 2005) (“[U]nfairly prejudicial evidence is that having an undue tendency to suggest  
4 decision on an improper basis, commonly, though not necessarily, an emotional one.”). In  
5 addition, the Court can address any potential danger of unfair prejudice through the use of a  
6 limiting instruction. *United States v. Plancarte-Alvarez*, 366 F.3d 1058 (9th Cir. 2004) (“The  
7 disputed evidence had significant probative value while the danger of unfair prejudice was  
8 minimized by the court's limiting instruction.”). “[T]he presence of a limiting instruction  
9 diminishes the danger of any unfair prejudice arising from the admission of other acts.” *United*  
10 *States v. Franklin*, 250 F.3d 653, 659 (8th Cir. 2001). Reviewing courts are “reluctant to find  
11 that . . . evidence was unfairly prejudicial when the district court gave an appropriate limiting  
12 instruction.” *United States v. Kent*, 531 F.3d 642, 651 (8th Cir. 2008).

### 13 ARGUMENT

14 The evidence described above is inextricably intertwined with the offense conduct  
15 alleged in this case. Defendant is charged with mailing threats to her mother's former  
16 supervisor (Count One) and several employees of the law firm that was representing Caesars' in  
17 its civil legal actions involving defendant's mother (Counts Two through Five). The above  
18 evidence is necessary to “to offer a coherent and comprehensible story” regarding defendant's  
19 relationship to the victims and her interactions with those victims preceding the charged  
20 conduct. In addition, this evidence relates directly to “the events surrounding the commission  
21 of the crime” and is necessary to provide the jury with the “circumstances of the acts which  
22 form the basis of the charge.” In other words, the threats charged in the Indictment were not  
23 received in a vacuum; they were part of an escalating course of hostile behavior by defendant  
24

1 toward those she believed to be responsible for her mother's termination and for defending the  
2 civil actions arising from that termination.

3 Without this evidence, the jury would be left to wonder not only who sent the  
4 communications, but why to these victims and how these victims are connected to the  
5 defendant. This evidence also advances proof of mindset behind the communications,  
6 demonstrating that the threats are driven out of combination of a sense of revenge, racial  
7 animus, and hatred, showing that they are not a joke but intended to convey a threat. This is  
8 most poignantly demonstrated by the assault against W.B., which shows not only that  
9 defendant's threats intended bodily harm, but were real and capable of being acted upon.

10 The communications received by S.R. prior to the threatening mail charged in Count  
11 One relate to the same incident – defendant's mother's termination – that motivated defendant  
12 to commit the charged crimes. These communications themselves contain details indicating  
13 that defendant was the sender, and the government intends to introduce digital evidence at trial  
14 to confirm this. The confrontations between defendant and two attorneys at the firm defending  
15 Caesars – both of whom were also victims of the threatening mail charged in the indictment –  
16 are also integral to the jury's understanding of the events surrounding the charged conduct. The  
17 same is true of the defendant's email to Advanced Psychiatry, which relates directly to  
18 defendant's state of mind and motivation to commit the charged conduct.

19 Even if this Court were to find that Rule 404(b) applies to the above evidence, the  
20 evidence is admissible to prove defendant's motive, intent, plan, identity, and knowledge. All  
21 the above evidence relates to why defendant chose to send threatening mails to the victims.  
22 This evidence shows that defendant was enraged about her mother's termination, felt the  
23 termination was racist and unfair, and decided to resort to intimidation and threats as revenge  
24 for what she considered an "injustice."

1 In addition, the government anticipates that one of the disputes at trial will be the  
2 identity of the sender of the charged threats, which were sent by mail to the victims  
3 anonymously. Defendant's prior harassing and threatening communications to S.R., her hostile  
4 confrontations with both S.P. and W.B., and her email to a psychiatric institute describing her  
5 desire for revenge, are all highly probative of her identity as the sender of the charged threats.

6 The same is true of the *pro se* filings made by defendant after her indictment. As the  
7 Court is aware, defendant's numerous letters/pleadings in which she has described in detail her  
8 feelings of anger and hatred toward numerous individuals, including W.B., the victim of Count  
9 Two. These filings are similar to the charged threats and earlier communications made by  
10 defendant, in that they frequently contain accusations of racism, threats of harm and revenge,  
11 and statements that defendant believes that she has not, and cannot obtain, justice through the  
12 Court system and rule of law. The similarities between defendant's court filings – of which *she*  
13 is the author – and the charged threats make these filings probative and relevant to defendant's  
14 identity as the sender of the charged threats.<sup>3</sup>

15 None of the evidence described above contravenes Rule 403, which permits exclusion of  
16 evidence when the probative value is substantially outweighed by the danger of unfair  
17 prejudice. The probative value is extremely high, as it relates directly to the key issues of this  
18 case: proving that it was defendant who sent the threatening mail charged in the Indictment and  
19 explaining why she did so. No unfair prejudice would result from admission of this evidence.  
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23 <sup>3</sup> The government intends to introduce only a small number of these filings, to minimize any  
24 undue delay or cumulative evidence. The government's focus will be on filings that contain the  
similarities described herein.

1 **CONCLUSION**

2 WHEREFORE, for all the foregoing reasons, the government respectfully requests that  
3 the Court grant the government's Motion and rule the evidence described above as admissible  
4 for all the reasons stated herein.

5 **DATED** this 19th day of March, 2021.

6 Respectfully submitted,

7 CHRISTOPHER CHIOU  
8 Acting United States Attorney

9 */s/ Daniel Clarkson*  
*/s/ Steven W. Myhre*

10 \_\_\_\_\_  
11 STEVEN W. MYHRE  
12 DANIEL CLARKSON  
13 Assistant United States Attorneys  
14 *Attorneys for the United States*

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**EXHIBIT 1**  
**Facebook Postings to S.R. Account**

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**EXHIBIT 1A**  
**“Medina Sinclair”**  
**Communications**



Medina Sinclair

You and Medina Sinclair aren't  
connected on Facebook

12/7/17

9:00 PM

I have to say you fired my mom  
in the most blatant  
discriminatory act. My mom  
works hard and loves her job.  
She supports us kids at UNLV  
and would never jeopardize her  
job over a tip that you can't  
even buy a Coke with. She  
worked for the company for  
more than 3 years with a clean  
file and you fired her for no  
reason except racial hatred.  
She broke no policies, and you  
did not have any ground to  
suspend or fire her. Instead.

000007



1 She broke no policies, and you  
2 did not have any ground to  
3 suspend or fire her. Instead,  
4 you abused the handbook,  
5 used unrelated policies, and  
6 conspired with a supervisor  
7 who hates black people to rid a  
8 good employee of her job  
9 based also on your personal  
10 racial bias. There is proof that  
11 you singled her out and I hope  
12 your upper management  
13 shows you more mercy than  
14 you showed my mother  
15 because I am finding every  
16 action that can be taken  
17 against this wrongful  
18 termination and discriminatory  
19 act to ensure my mom gets her  
20 job back; I will not stop!  
21 Heartless and evil!

000008

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**EXHIBIT 1B**

**“Aussey Riley” and “Aus Riley”**

**Communications**

3:24 PM

12/22/17

Wait I have an idea!! How about  
implement a tip policy and give  
a warning instead of firing  
minorities that you don't like.  
But then again that line of  
thinking is too deep for a dumb  
racist. Only a dumb racist  
would believe people steal 1  
dollar bills when literally  
everything else in the hotel  
room is more valuable,  
including the toilet paper.  
Uneducated, racist prick.  
#hatewillnotwin #wewillresist

A N D P A S S O N  
T O R A C I S T F R I E N  
D S 🤔 #bunchofdumbasses

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Aus Riley

You and Aus Riley aren't connected on Facebook

6:41 PM

12/22/17

And you're still a racist prick.  
And all of your racist friends  
that support you at work are  
uneducated pricks and  
puppets. Feel dumb yet after  
firing minorities and using the  
excuse that they stole \$1?! No!  
We just have dumb bigoted  
leaders running this country  
and running institutions, trying  
to make decisions that they're  
incapable of making. Decisions  
like "hmmm why would my  
loyal employees steal \$1? Let  
me implement a policy to  
prevent miscommunications

000009

loyal employees steal \$1? Let  
me implement a policy to  
prevent miscommunications  
with TIPS and give ALL  
employees a warning." NO!  
Your racist ego is the only  
thing that drives your thought  
processes because everyone  
else outside your little "Hitler"  
circle knows YOU ARE  
WRONG. Your ego and  
pathetic need for power won't  
let you admit that....sad. But to  
you and every other leader that  
wants to follow in your  
footsteps 🇺🇸 We won't tolerate  
hate and we'll make sure  
there's no place in our society  
for you animals. Probably a  
racist Trump  
supporter...pathetic.



000010





Aus Riley

S R is a racist who "tries" to ruin families. I'll continue to let it be known until something is done about it. At the place where she works several of the employees who she treats like crap ,because of their race, complain. I refuse to sit back and do nothing. I refuse to let people filled with bigotry and hate be our leaders in any way, shape, or form. I will continue to return the favor and let anyone associated with her know what a hate-filled person she is. We have racists invading our government and every part of our society. We're resisting. They are the problem! 🙌

000011

and whether its ten years from  
now hopefully you do our  
society a favor and die by then,  
you will be held accountable  
for your actions and btw—no  
one actually likes you (well  
except your hitler group)  
#racists

1/12/18

Reported  
this msg  
1/12/18

Your coworkers now know  
what a racist you are via the  
team at linkedin. No safe space  
for racists

FRI 3:29 PM



000016

1  
2 Just a pathetic, hateful, lonely  
3 loser. And a total racist. Middle  
4 finger to you, your racist  
5 friends at work, your piece of  
6 shit brother, and the piece of  
7 shit parents that raised a racist  
8 like you. Your father should  
9 have been a eunuch so we  
10 wouldn't have to deal with an  
11 asshole like you.

1/2/18



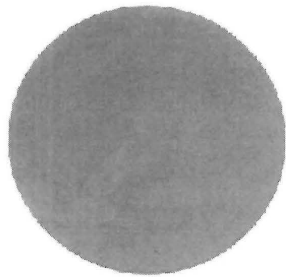
GIPHY

Reply

000017



1/2/18



**Aussey Riley**

You and Aussey Riley aren't connected on Facebook

Studied at UC Berkeley

16:47

Your friend is still a racist.  
Maybe give her a pep talk and  
tell her to stop threatening  
housekeepers?! We have so  
much crap on her now it's  
hilarious. There are no safe  
spaces for racists now.

000028

1/12/18



**Aussey Riley**

You and Aussey Riley aren't connected on Facebook

Studied at UC Berkeley

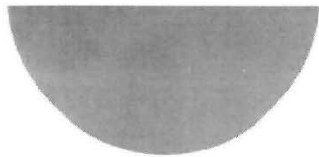
4:16 PM



Racist just like your sister. Bunch of pathetic losers we have to put up with in this society.

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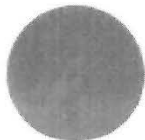


connected on Facebook  
Studied at UC Berkeley

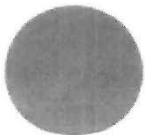
1/12/18

3:41 PM

do us a favor and  
replace S  
R She is a racist  
and no one in  
housekeeping likes her.  
Worse person to ever  
do the job.



a total racist. There is  
so much crap against  
her, can't believe she's  
still working. Shameful.



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**EXHIBIT 1C**  
**“Simone Wiley”**  
**Communications**

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Simone Wiley

You and Simone Wiley aren't connected on Facebook

3/8/18

7:26 AM

Think you were forgotten about. you're very easy to find petty bitch...remember that.



We will get the last laugh 😂

s r who lives in . how's your new place? dumb bitch.



in life you only live because others allow you to

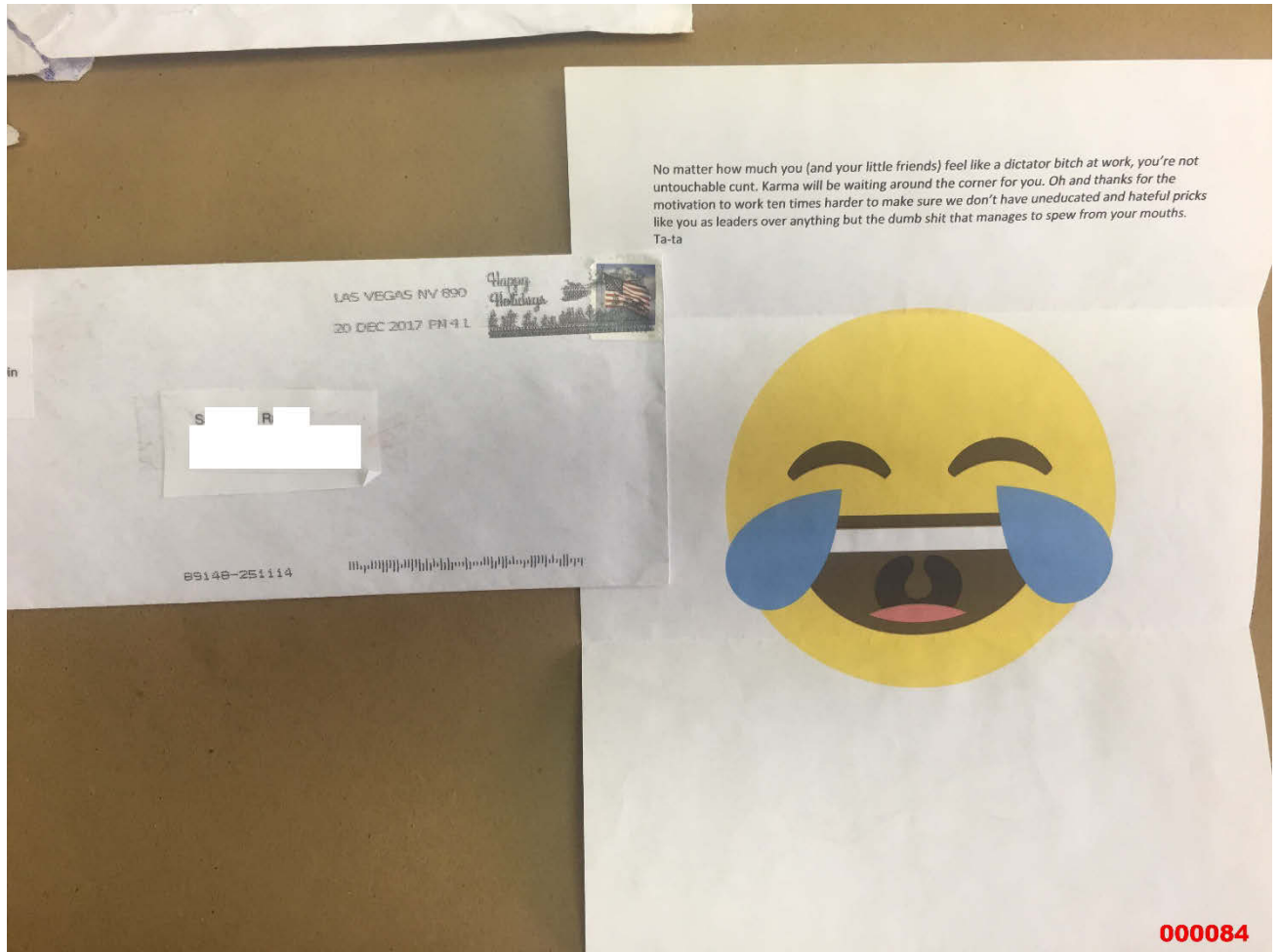


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**EXHIBIT 1D**

**Mailings to S.R. of**  
**12-20-2017 and 5-17-2018**







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**EXHIBIT 2**  
**Communication Charged in Count 1**

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6 You haved lived seveenn months pass the new year  
7 Yooou do not deserve the air you breathe  
8 We have been kind  
9 At times Forgiving  
10 Evil and greed is at the heart of us all  
11 But those with power should reevaluate their actions  
12 Seek penance fix your ways and actions or you will all die  
13 ALL  
14 Starting with the head  
15 The very very top first  
16 Mark these words  
17 We have entered a new era  
18 We rule  
19 No one is untouchable  
20 No one  
21 Racist Motherfuckers  
22 Keep fucking with us  
23 ALL WILL REGRET  
24 REAL THREAT  
FIX IT  
Deadline Monday December 31, 2018: YOU BETTER FIX IT  
Pass Along

000087